



January 18, 2022

VIA ECF

The Honorable Sterling Johnson, Jr.
United States District Judge
U.S. District Court for the Eastern District of New York
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Brooklyn, NY 11201

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Re: *Lerman, et al. v. Apple Inc., 15-cv-07381* (SJ) (LB) (E.D.N.Y.)
Request for Extension of Expert Discovery Deadlines

Dear Judge Johnson:

The parties write jointly to request a three-week extension of expert discovery to June 3, 2022. This request is made in good faith and not for the purposes of delay. In addition, the parties can report that they have scheduled a mediation with a former retired Judge that is scheduled to occur on February 16, 2022.

The parties have made two prior requests to extend the expert discovery schedule. On September 8, 2015, the Court granted an extension of the close of expert discovery from February 10, 2022, to April 21, 2022. At a hearing on November 30, 2021, the Court granted a further extension of the deadline from April 21, 2022, to May 9, 2022.

The parties are requesting an additional three and a half weeks to provide Apple adequate time to respond to the plaintiffs' opening expert reports, for the plaintiffs to submit any rebuttal reports, and for both parties to complete depositions. The plaintiffs have tendered the opinions of three experts (two technical and one damages), and Apple anticipates that it will be tendering opinions from at least as many experts. The anticipated opinions in this matter involve challenging technical issues, and it is necessary for each party to coordinate between multiple experts and an independent third-party that has maintained custody and control of certain confidential information that the parties' experts may seek to access.

If the Court agrees, expert discovery shall be completed by June 3, 2022; and any request for a pre-motion conference shall be made by June 16, 2022, in accordance with Judge Johnson's Individual Rules. In addition, the parties have agreed upon dates for all of the interim expert discovery deadlines that they noted in their September 3, 2021 letter, which will promote the completion of expert discovery by June 3, 2022.



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Dated: New York, New York
January 18, 2022

Respectfully submitted,

/s/ Michael Grunfeld

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